

Adopted: 5/31/12

**PRAIRIE CREEK COMMUNITY SCHOOL POLICY REGARDING
STUDENT EDUCATION DATA**

POLICY PURPOSE

It is the policy of Prairie Creek Community School (PCCS) to fully comply with state and federal laws regarding the classification, maintenance and use of education data. Education data is governed by state law (Minnesota Statutes, section 13.32). Education data are also governed by federal law, the Family Educational Rights and Privacy Act (FERPA), and its regulations in 34 CFR Part 99.

The purpose of this policy is to define education data, to identify various protections afforded to such data, and to establish procedures required by state and federal law.

I. Education Data Definitions and General Provisions.

A. Education data.

“Education data” means data on students maintained by PCCS, or by a person acting for PCCS, which relates to a student.

B. “Private” education data.

Unless there is a specific exception providing otherwise, education data is generally classified as “private” under state and federal law. With certain exceptions, (e.g., directory information, health and safety emergencies, alcohol and controlled substance violations), education data may only be possessed by parents, students, and school officials with a legitimate educational interest as determined by the educational agency.

C. School official.

“School officials” who have access to student education records are those individuals at PCCS who have need to know the contents of a student’s education record in order to provide education services to the student. PCCS school officials will be allowed to Possess to private education data without the consent of the parent or student, if they have a legitimate “need to know”.

D. Directory information.

“Directory information” means education data that are available to anyone in the public. PCCS will notify parents each year which education data are designated as “directory information.” Parents have the right to opt out of including any of their students’ data as directory information.

E. Parent.

“Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. PCCS school officials may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

II. STATEMENT OF RIGHTS

A. Rights of Parents and PCCS Students. PCCS Parents and students have the following rights under this policy:

1. The right to inspect and review the student’s education records;
2. The right to request the amendment of the student’s education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the federal law and the regulations promulgated thereunder;
6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy.

B. Transfer or rights to students over 18. All rights and protections given parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. However, the parents of a student

who is also a “dependent student” for federal tax purposes are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of applicable federal regulations.

III. WHEN PRIOR WRITTEN CONSENT TO RELEASE EDUCATION RECORDS IS NOT REQUIRED.

In very limited circumstances, PCCS may release information from the education records of a student without the prior written consent of the parent or the student if the disclosure is consistent with state and federal laws governing such release. PCCS school officials will carefully review and comply with applicable laws before making any such releases.

IV. WHEN PARENTS MAY BE DENIED ACCESS TO EDUCATION RECORDS.

A. Minor’s requests for denial of access.

In some instances cases state law provides that certain education records be accessible to the minor student alone, and to the parent only under special circumstances, if at all. In order to deny parental access to education data regarding a minor student, that student must request that PCCS deny such access in writing, must set forth the reasons for denying access to the parent and must sign the request. Upon receipt of such request PCCS will determine if honoring the request to deny the parent access would be in the best interest of the minor student. In making this determination the PCCS will consider the following factors:

1. whether the minor student is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
2. whether the personal situation of the minor student is such that denying parental access may protect the student from physical or emotional harm;
3. whether there are grounds for believing that the minor student’s reasons for precluding parental access are reasonably accurate;
4. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
5. whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§ 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

B. Reports Under the Maltreatment of Minors Reporting Act.

Pursuant to Minn. Stat. § 626.556, reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by PCCS.

C. Conditions related to the release of investigative data.

Data collected by the school district as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as “confidential data” and shall not be provided to individuals not associated with the investigation. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn. Stat. § 13.393.

A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Release of information related to chemical abuse.

To the extent that PCCS maintains records of the identity, diagnosis, prognosis, or treatment of any student which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

V. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING

A. Responsible Authority. The Executive Director shall be the Responsible Authority. The responsible authority shall be responsible for the maintenance and security of student records.

B. Record Security. The Administrative Assistant of PCCS shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

C. Plan for Securing Student Records

The Administrative Assistant shall submit to the Responsible Authority a written plan for securing students records annually each school year. The written plan shall contain the following information:

1. A description of records maintained;

2. Titles and addresses of person(s) responsible for the security of student records;
3. Location of student records, by category, in the buildings;
4. Means of securing student records; and
5. Procedures for Possess and disclosure.

D. Review of Written Plan for Securing Student Records

The responsible authority shall review the plans submitted pursuant to paragraph “C” above for compliance with the law, this policy and the various administrative policies of the school. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C, which shall become a part of this policy.

E. Record Keeping

1. The records manager shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
 - a. the parties who have requested or received personally identifiable information from the education records of the student;
 - b. the legitimate interests these parties had in requesting or obtaining the information; and
 - c. the names of the state and local educational authorities and federal officials and agencies who may make further disclosures of personally identifiable information from the student’s education records without consent.
- E. In the event that PCCS discloses personally identifiable information from an education record of a student pursuant to this policy, the record of disclosure required under this section shall also include:
 1. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
 2. the legitimate interests of this policy which each of the additional parties has in requesting or obtaining the information; and
 3. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in accordance with 34 C.F.R. § 99.32 and to whom PCCS disclosed information from an education record.
- F. PCCS shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were

disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.

**VI. RECEIPT OF RECORDS REGARDING JUVENILE ADJUDICATIONS;
SHARING INFORMATION.**

PCCS will comply with all statutory requirements regarding receipt and maintenance of probable cause notices and disposition orders related to students. The Executive Director will develop policies and practices consistent with the Minnesota Government Data Practices Act and FERPA.

